

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-in-Equity
The Honorable Joseph M. Strickland

RECEIVED
AUG 17 2015
SC Court of Appeals

Appellate Case No. 2015-000367

Royals Portfolio, LLC, an assignee of Bank of America, N.A., formerly known as NationsBank, N.A., which is Successor in Merger to NCNB South Carolina, Respondent,

v.

Charlie Kelly and Dorothy Simpson, Appellants.

**APPELLANTS' RETURN TO RESPONDENT'S MOTION TO HOLD APPELLATE
TIMELINES IN ABEYANCE**

Appellants respond to Respondent's Motion to Hold Appellate Timelines in Abeyance filed August 5, 2015. This appeal arises out of a foreclosure action involving property owned by Appellants. Appellant Dorothy Simpson filed for bankruptcy on May 1, 2015. Due to a conversion of the bankruptcy case from Chapter 13 to Chapter 7, the Chapter 7 Trustee filed a Motion to Stay on August 5, 2015, requesting time to review the bankruptcy case to determine whether pursuing the appeal is in the best interests of Ms. Simpson's bankruptcy estate. Respondent moved to hold in abeyance the timeline for filing its Initial Brief and Designation of Matter pending this Court's decision on the Trustee's Motion to Stay.

Appellants do not object to a stay of the appeal to provide time for the Trustee to review the bankruptcy case or to holding in abeyance the Respondent's deadline for filing an Initial Brief until after any period of time the Court provides for the Trustee's review. *See Goodwin v.*

Landquest Dev., LLC, Op. No. 5342 (S.C. Ct. App. filed Aug. 12, 2015) (Shearouse Adv. Sh. No. 31 at 136) (“[N]either our rules nor 11 U.S.C. § 362 require the dismissal of the action” due to a bankruptcy). Should the Court grant either or both Motions, Appellants request the Court specify that the status of the appeal is preserved and set a time at which it will reinstate or revisit the status of the appeal to minimize delay in a resolution of this appeal. Appellant Charlie Kelly is not in bankruptcy and is not represented by the Trustee.

August 12, 2015

Respectfully Submitted,

Kathleen C. Barnes

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PROOF OF SERVICE

The undersigned hereby certifies that on August 12, 2015, the foregoing **APPELLANTS'**
RETURN TO RESPONDENT'S MOTION TO HOLD APPELLATE TIMELINES IN
ABEYANCE was served on all counsel of record via First Class U.S. Mail as follows:

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Chapter 7 Trustee for Dorothy M. Simpson's Estate

August 12, 2015

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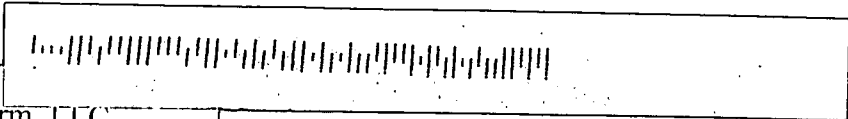
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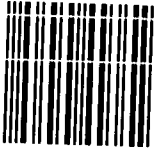
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